

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Behavioral Science hereby gives Notice of Intended Action to amend Chapter 31, “Licensure of Marital and Family Therapists and Mental Health Counselors,” and Chapter 33, “Discipline for Marital and Family Therapists and Mental Health Counselors,” Iowa Administrative Code.

These proposed amendments clarify the amount of time a licensure application is active, update the supervised clinical experience requirements, remove outdated language for licensure by endorsement, and clarify that conviction of a crime includes when judgment of conviction or sentence was deferred.

Any interested person may make written comments on the proposed amendments no later than April 23, 2013, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail [judith.manning@idph.iowa.gov](mailto:judith.manning@idph.iowa.gov).

A public hearing will be held April 23, 2013, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Proposed rules are subject to waiver as defined in 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147.3, 147.10, 147.55, 154D.2 and 154D.7.

The following amendments are proposed.

ITEM 1. Rescind subrule 31.2(10) and adopt the following **new** subrule in lieu thereof:

**31.2(10)** Submitting complete application materials. An application for a temporary or permanent license will be considered active for two years from the date the application is received. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application, supporting materials, and the application fee. The board shall destroy incomplete applications after two years.

ITEM 2. Rescind subrule 31.5(1) and adopt the following **new** subrule in lieu thereof:

**31.5(1)** The supervised clinical experience shall:

*a.* Be a minimum of two years or the equivalent of full-time, postgraduate supervised professional work experience in marital and family therapy.

*b.* Be completed following completion of the practicum, internship, and all graduate coursework, with the exception of the thesis.

*c.* Include successful completion of at least 3,000 hours of marital and family therapy that shall include at least 1,500 hours of direct client contact and 200 hours of clinical supervision. Applicants who entered a program of study prior to July 1, 2010, shall include successful completion of 200 hours of clinical supervision concurrent with 1,000 hours of marital and family therapy conducted in person with couples, families and individuals.

*d.* Include a minimum of 25 percent of all clinical supervision in person. Up to 75 percent of all supervision may be completed by electronic means with no more than 50 percent completed by telephone. Supervision by electronic means is acceptable if:

(1) The first two meetings are face-to-face and in person; and

(2) The system utilized is a confidential interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor.

*e.* Include in the 200 hours of clinical supervision at least 100 hours of individual supervision.

*f.* Follow and maintain a plan throughout the supervisory period established by the supervisor and the licensee. Such a plan must be kept by the licensee for a period of five years following receipt of the permanent license and must be submitted to the board upon request. The plan for supervision shall include:

(1) The name, license number, date of licensure, address, telephone number, and e-mail address (when available) of the supervisor;

(2) The name, license number, address, telephone number, and e-mail address (when available) of supervisee;

(3) Employment setting in which experience will occur;

(4) The nature, duration and frequency of supervision;

(5) The number of hours of supervision per month;

(6) The supervisor/licensees type (individual/group) and mode (face-to-face/electronic) of supervision;

(7) The methodology for secure transmission of case information;

(8) The beginning date of supervised professional practice and estimated date of completion;

(9) The goals and objectives for the supervised professional practice; and

(10) The signatures of the supervisor and licensee, and the dates of signatures.

*g.* Have only supervised clinical contact credited for this requirement.

ITEM 3. Rescind subrule 31.7(1) and adopt the following **new** subrule in lieu thereof:

**31.7(1)** The supervised clinical experience shall:

*a.* Be a minimum of two years or the equivalent of full-time, postgraduate supervised professional work experience in mental health counseling.

*b.* Be completed following completion of the practicum, internship, and all graduate coursework, with the exception of the thesis.

*c.* Include successful completion of at least 3,000 hours of mental health counseling that shall include at least 1,500 hours of direct client contact and 200 hours of clinical supervision. Applicants who entered a program of study prior to July 1, 2010, shall include successful completion of 200 hours of clinical supervision concurrent with 1,000 hours of mental health counseling conducted in person with couples, families and individuals.

*d.* Include a minimum of 25 percent of all clinical supervision in person. Up to 75 percent of all supervision may be completed by electronic means with no more than 50 percent completed by telephone. Supervision by electronic means is acceptable if:

(1) The first two meetings are face-to-face and in person; and

(2) The system utilized is a confidential interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor.

*e.* Include in the 200 hours of clinical supervision at least 100 hours of individual supervision.

*f.* Follow and maintain a plan throughout the supervisory period established by the supervisor and the licensee. Such a plan must be kept by the licensee for a period of five years following receipt of the permanent license and must be submitted to the board upon request. The plan for supervision shall include:

(1) The name, license number, date of licensure, address, telephone number, and e-mail address (when available) of the supervisor;

(2) The name, license number, address, telephone number, and e-mail address (when available) of supervisee;

(3) Employment setting in which experience will occur;

(4) The nature, duration and frequency of supervision;

(5) The number of hours of supervision per month;

(6) The supervisor/licensees type (individual/group) and mode (face-to-face/electronic) of supervision;

(7) The methodology for secure transmission of case information;

(8) The beginning date of supervised professional practice and estimated date of completion;

(9) The goals and objectives for the supervised professional practice; and

(10) The signatures of the supervisor and licensee, and the dates of signatures.

g. Have only supervised clinical contact credited for this requirement.

ITEM 4. Amend subparagraph **31.7(2)“b”(3)** as follows:

(3) May be an alternate supervisor who possesses qualifications equivalent to a licensed mental health counselor with at least three years of postlicensure clinical experience, including mental health professionals licensed pursuant to Iowa Code chapter 147 to practice independently; and

ITEM 5. Rescind numbered paragraph “7” in rule **645—31.8(154D)**.

ITEM 6. Amend subparagraph **31.16(3)“a”(2)** as follows:

(2) Verification of completion of 40 hours of continuing education obtained within the two years ~~of immediately preceding~~ the application for reactivation.

ITEM 7. Amend subparagraph **31.16(3)“b”(2)** as follows:

(2) Verification of completion of 80 hours of continuing education obtained within the two years ~~of immediately preceding the~~ application for reactivation.

ITEM 8. Amend subrule 33.2(12) as follows:

**33.2(12)** Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee’s ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.